

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Johnnycake Road, 468 ft.
E of E/L Craigmont Road
6310 Johnnycake Road
1st Election District
2nd Councilmanic District
Pat Guzman, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Sections 1802.3.A.1 and 1801.1.B (1975) Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2.5 ft. in lieu of the required 10 ft. for a proposed attached garage and to amend the Partial Development Plan of Discovery Acres Section 1 to allow said construction outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 6310 Johnnycake Road, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit a side yard setback of 2.5 ft. in lieu of the required 10 ft. for a proposed attached garage and to amend the partial development of Discovery Acres Section 1.

Mr. John P. Douglass, the Petitioners' next door neighbor, is in agreement with the attached garage, as noted by a letter marked Petitioners' Exhibit No. 2.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in

the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient evidence and facts that the proposed variance request would comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February, 1991 that the Petition for a Zoning Variance, pursuant to Sections 22-26(b)(1) of the Baltimore County Code and Sections 1802.3.A.1 and 1801.1.B (1975) Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2.5 ft. in lieu of the required 10 ft. for a proposed attached garage and to amend the Partial Development Plan of Discovery Acres Section 1 to allow said construction outside of the building envelope, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 13, 1991

Mr. and Mrs. Pat Guzman
6310 Johnnycake Road
Baltimore, Maryland 21207

RE: Petition for Residential Zoning Variance
Case No. 91-270-A

Dear Mr. and Mrs. Guzman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.A.1 and 1801.1.B (1975) to permit a side setback of 2.5 feet in lieu of the required 10 feet for a proposed attached garage and to amend the

Partial Development Plan of Discovery Acres Section 1 to allow said construction outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1. The Petitioners are requesting a variance to permit a side yard setback of 2.5 ft. in lieu of the required 10 ft. for a proposed attached garage and to amend the partial development of Discovery Acres Section 1.

Mr. John P. Douglass, the Petitioners' next door neighbor, is in agreement with the attached garage, as noted by a letter marked Petitioners' Exhibit No. 2.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in

the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted.

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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

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1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

for returning, said property to its original condition.

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Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel

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Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel

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Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 6310 Johnnycake Road, Baltimore, Maryland 21207

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Practical difficulty: Although there is space for a detached garage without the Administrative Variance, the location where a garage could be built is a hillside consisting of removal of an enormous amount of soil and rock. Further, the view to the left backyard would be eliminated. The attached garage and porch, as requested, will contribute to the aesthetics of the neighborhood.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

PAT GUZMAN
PAT GUZMAN
AFFIANT (Printed Name)

GLORIA GUZMAN
GLORIA GUZMAN
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of January, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Pat Guzman and Gloria Guzman

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Jan 3 1991
Brenda R. Howard
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC

Zoning Description

Beginning at a point on the north side of Johnnycake Road at the distance of 468 feet east of the centerline of the nearest improved intersecting street (Craigmont Road). Being Lot #11, Block (A), Sect. (1) in the subdivision of Discovery Acres as recorded in Baltimore County Plat Book #43, Folio #93 containing 8686.29 square feet. Also known as 6310 Johnnycake Road, and located in the #1 Election District, #1 Council District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1-11 Date of Posting: January 18, 1991
Posted for: Variance
Petitioner: Pat Guzman and Gloria Guzman
Location of property: 6310 Johnnycake Road, E. of E/L Craigmont Road
Location of Sign: In front of 6310 Johnnycake Road
Remarks:
Posted by: J. J. Guzman
Number of Signs: 1
Date of return: January 25, 1991

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account R-001-6150
Number

receipt

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

Pat and Gloria Guzman
6310 Johnnycake Road
Baltimore, Maryland 21207

Re: CASE NUMBER: 91-270-A
LOCATION: N/S Johnnycake Road, 468' E of c/l Craigmont Road
6310 Johnnycake Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 23, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 7, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 13, 1991

Mr. & Mrs. Pat Guzman
6310 Johnnycake Road
Baltimore, MD 21207

RE: Item No. 271, Case No. 91-270-A
Petitioner: Pat Guzman, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Guzman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this

4th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Pat Guzman, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 25, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Albert Jones, Item No. 245
Michael Homsey, III, Item No. 246
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard E. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

received
1/26/91

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 14, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PAT GUZMAN AND GLORIA GUZMAN

Location: #6310 JOHNNYCAKE ROAD

Item No.: 271 Zoning Agenda: JANUARY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Kelly* 1-14-91 Noted and Approved *John Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

received
1/14/91

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 273.

For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

For Item 269, the site is subject to the minor subdivision process for review and comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6310 JOHNNYCAKE RD. 8x17-20 21207 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: DISCOVERY ACRES
plat book # 42, folio # 33, lot # 1, section # ONE

OWNER: PAT & GLORIA GUZMAN

91-270-A
Petitioner's Exhibit 1

North
date: 1/14/91
prepared by: Pat Guzman
Scale of Drawing: 1" = 50'

LOCATION INFORMATION
Councilmanic District: 2
Election District: #1
1"-200' scale map: NW-1F
Zoning: DR-5.5
Lot size: 0.19 8686.24 sq ft
acres square feet

SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings:

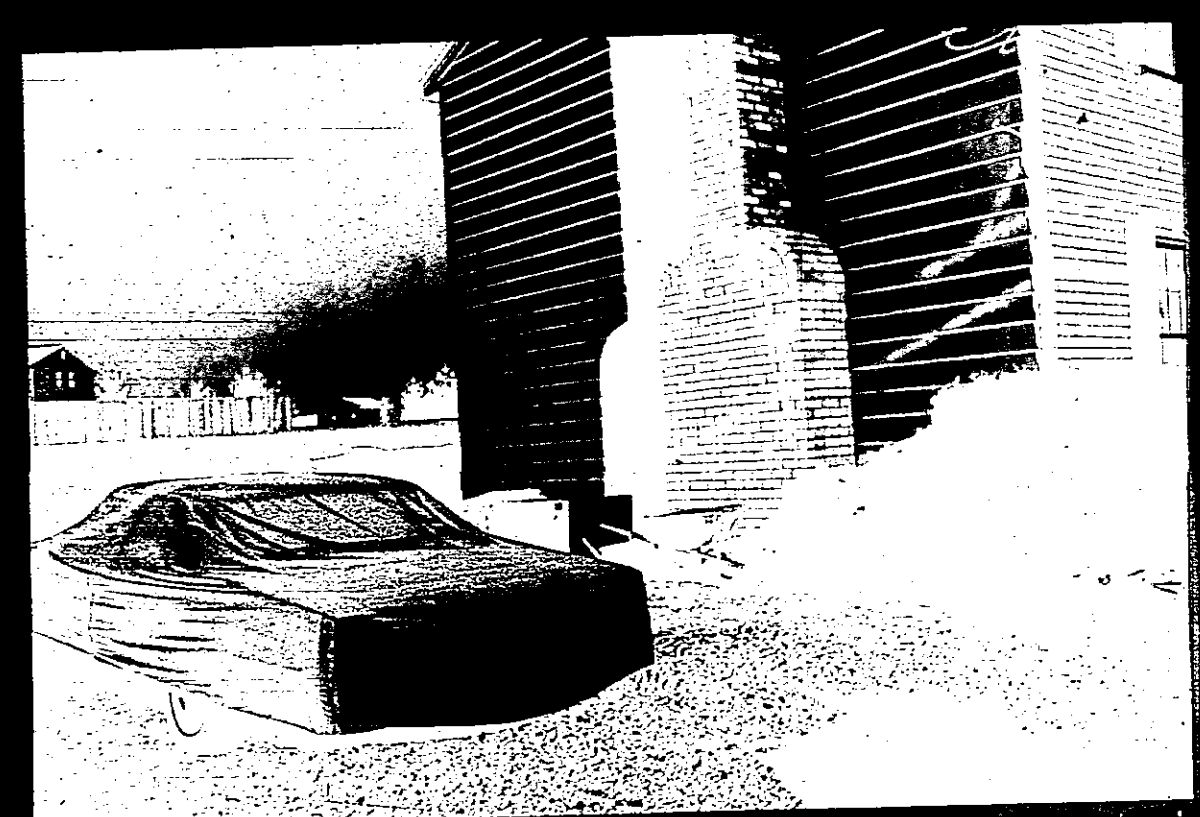
Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#: 271

CASE #: 91-270-A



PETITIONER'S EXHIBIT #3

CASE #: 91-270-A



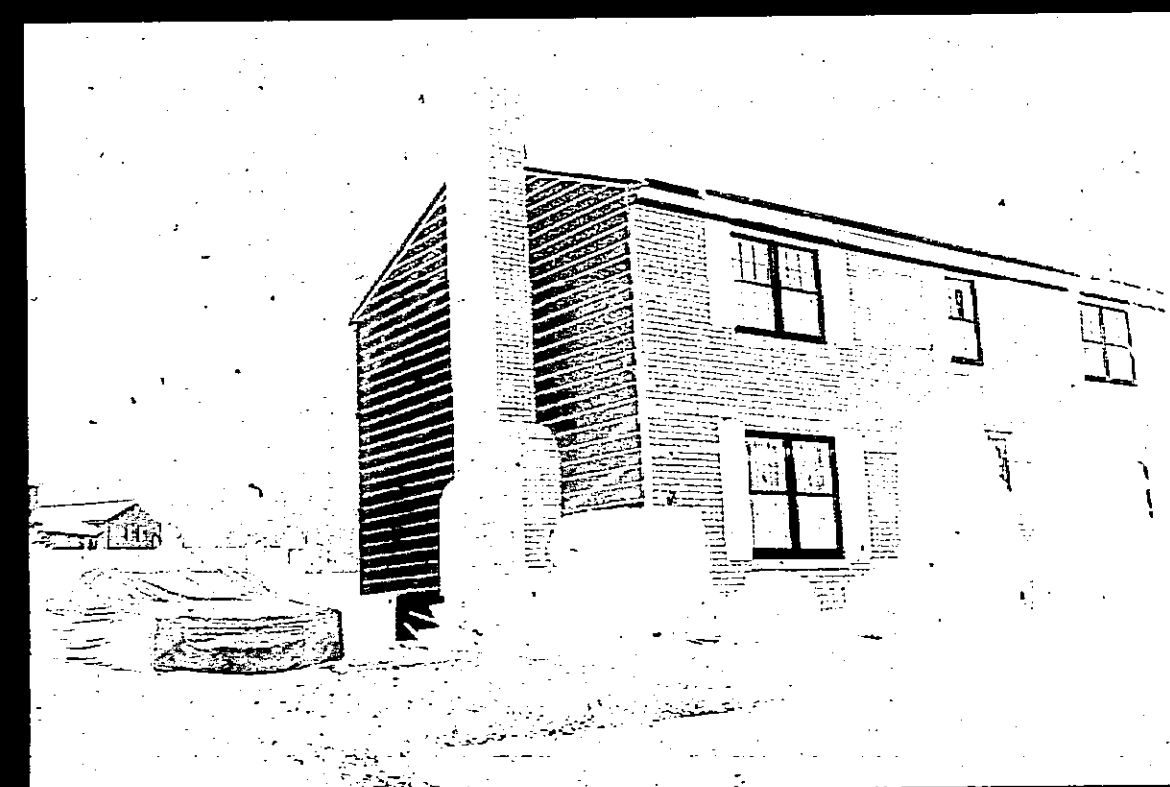
PETITIONER'S EXHIBIT # 4

CASE #: 91-270-A



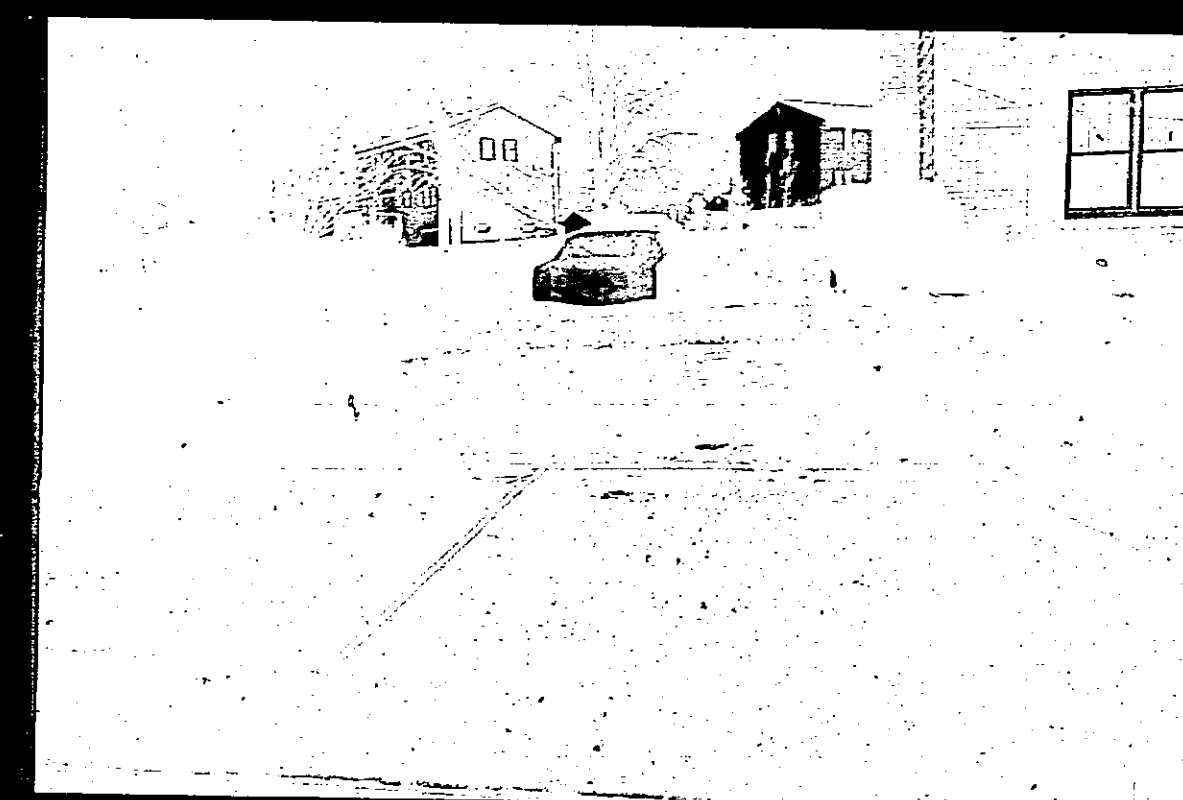
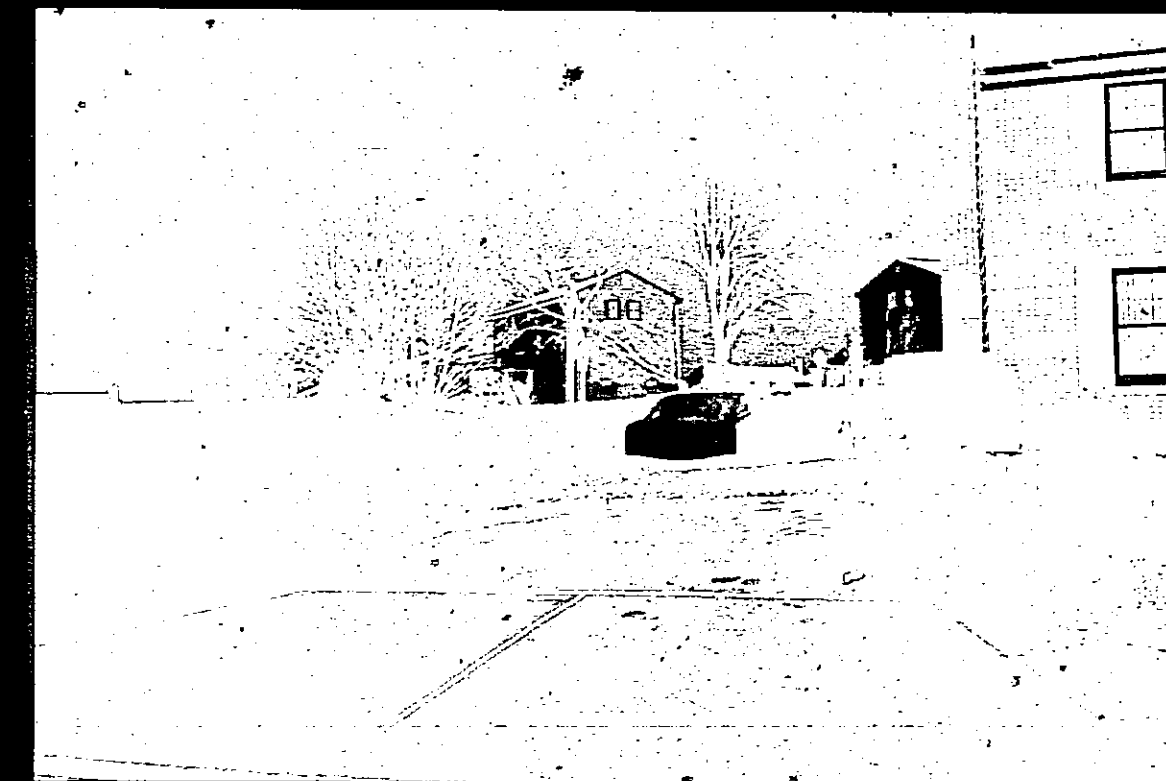
PETITIONER'S EXHIBIT # 5

CASE #: 91-270-A

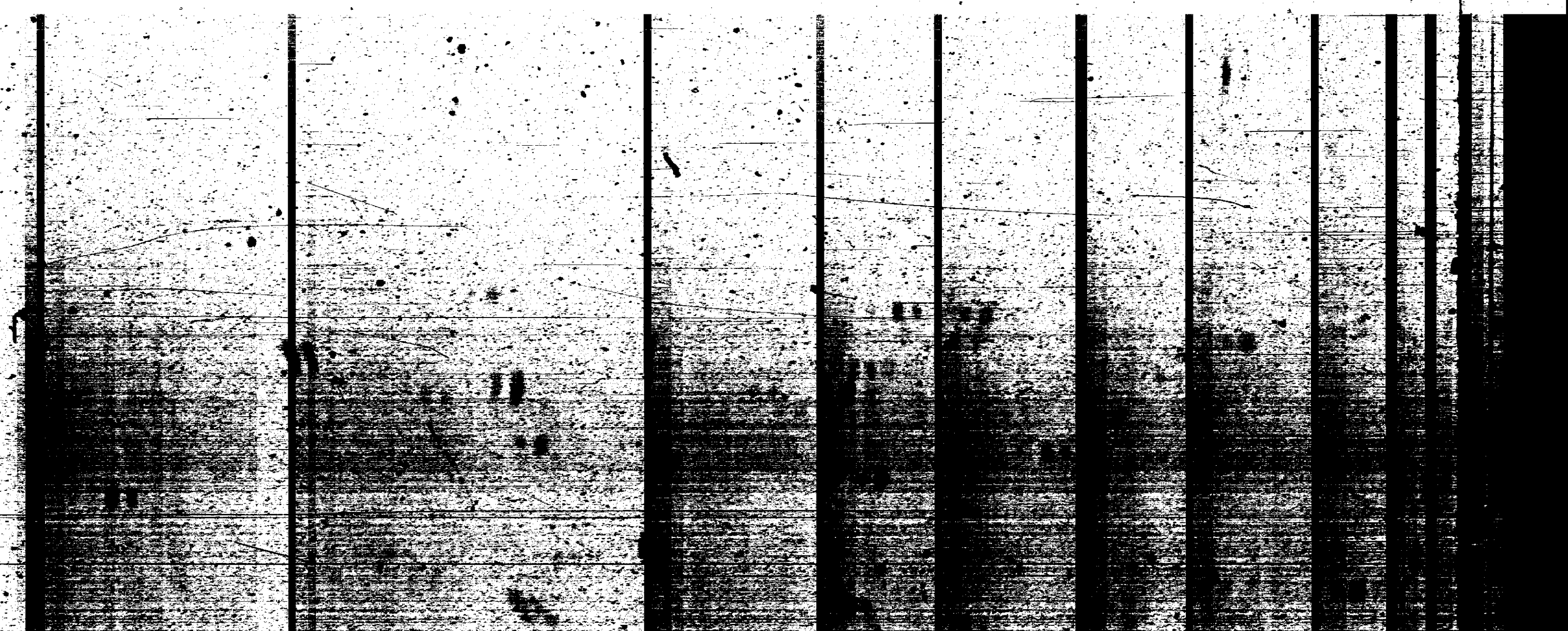


PETITIONER'S EXHIBIT # 6

CASE #: 91-270-A



PETITIONER'S EXHIBIT # 7

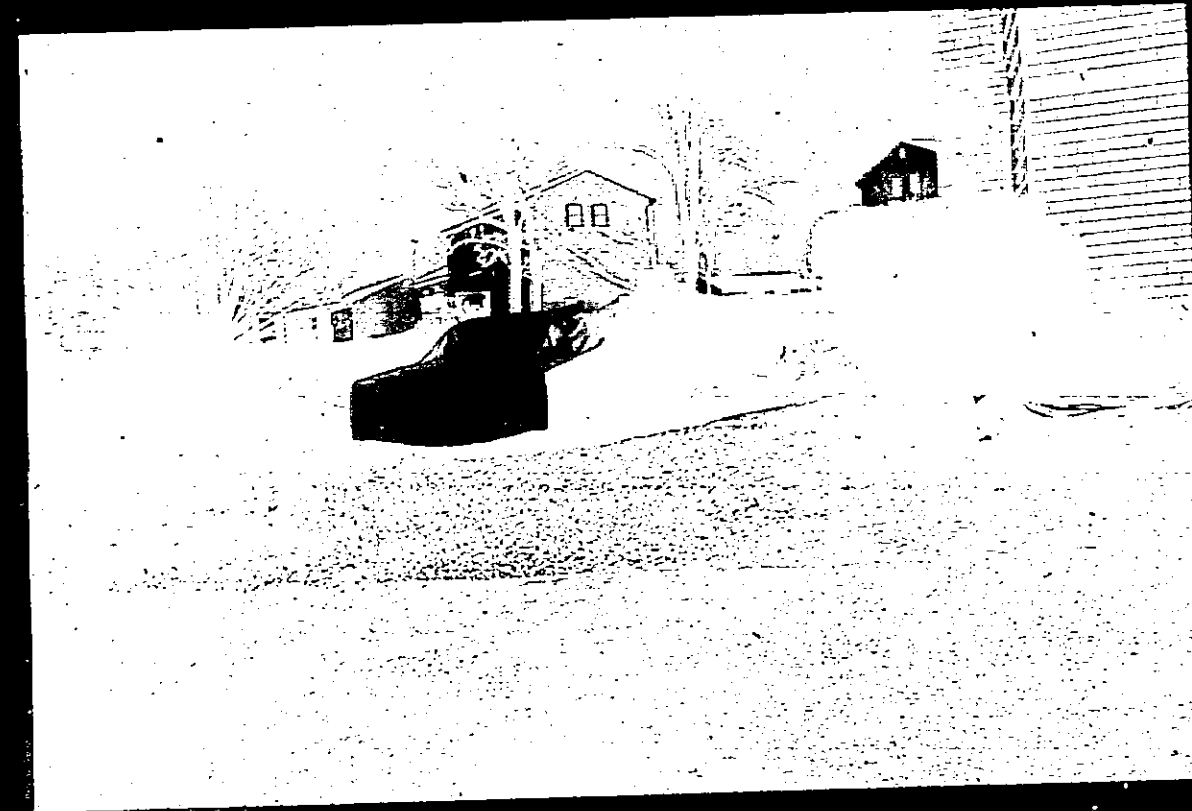


CASE #: 91-270-A



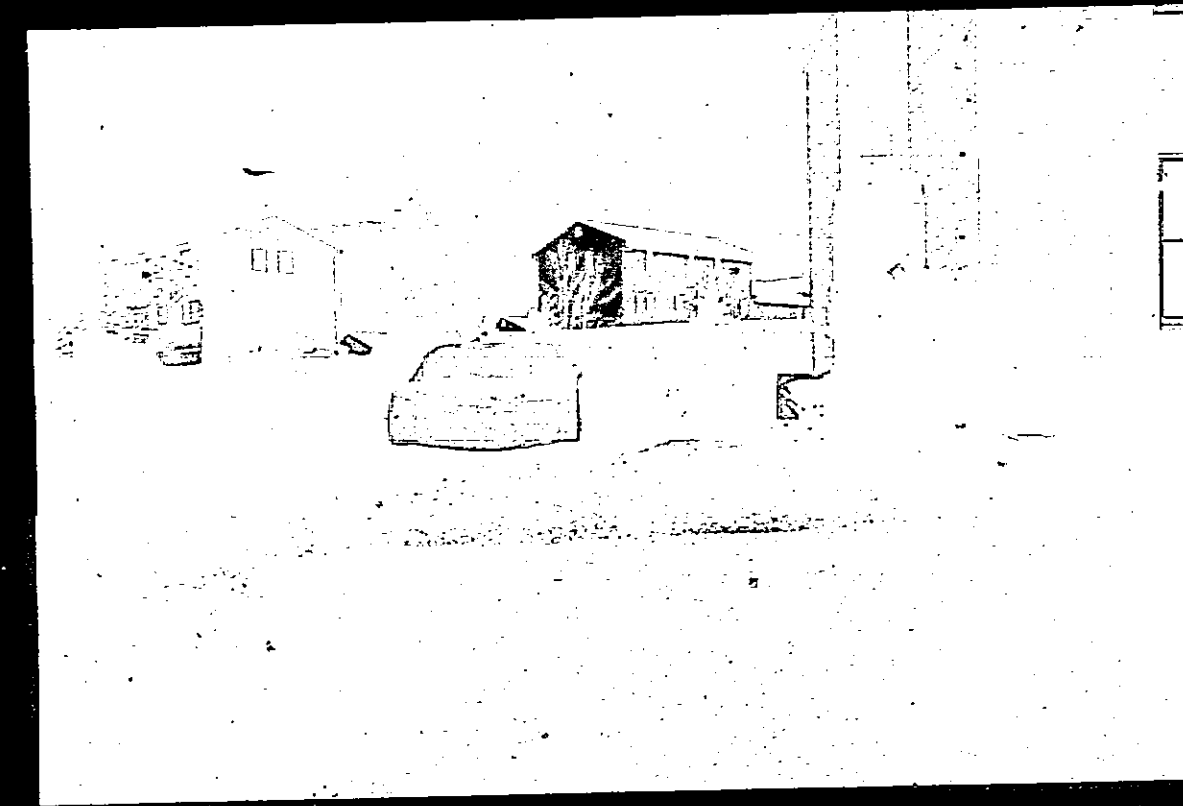
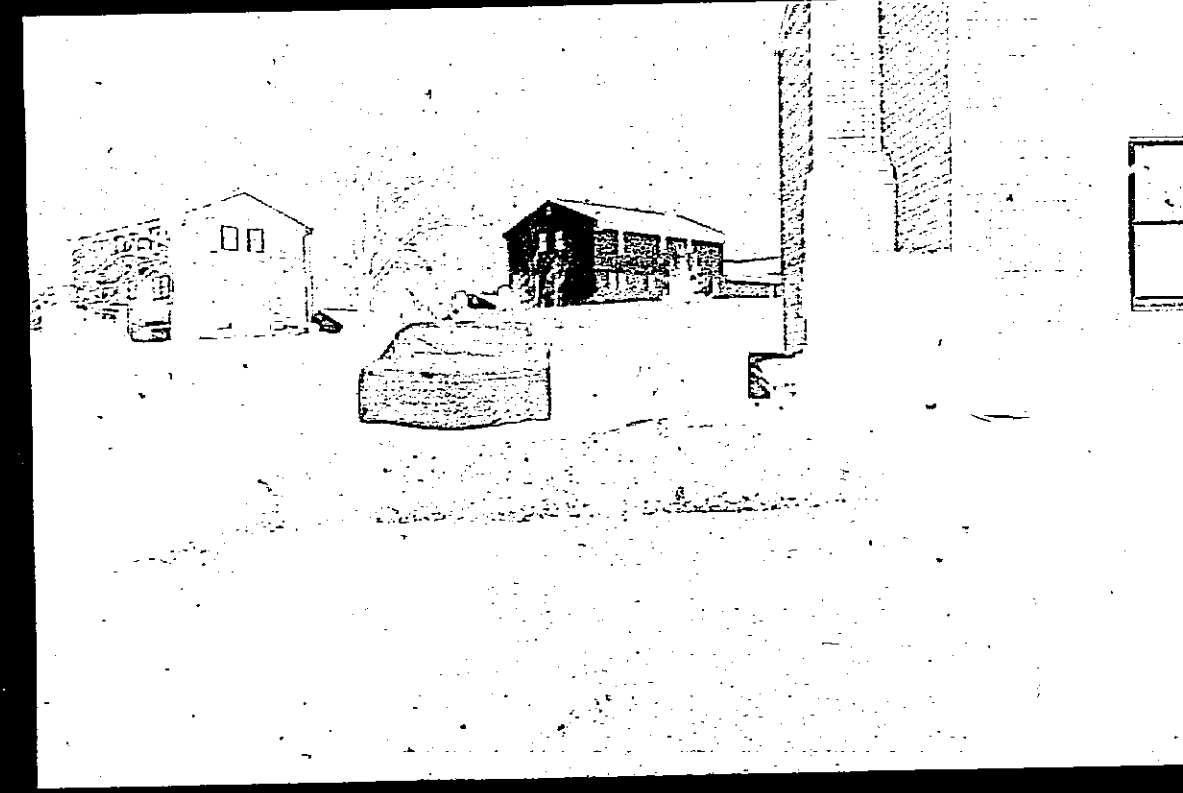
PETITIONER'S EXHIBIT # 8

CASE #: 91-270-A



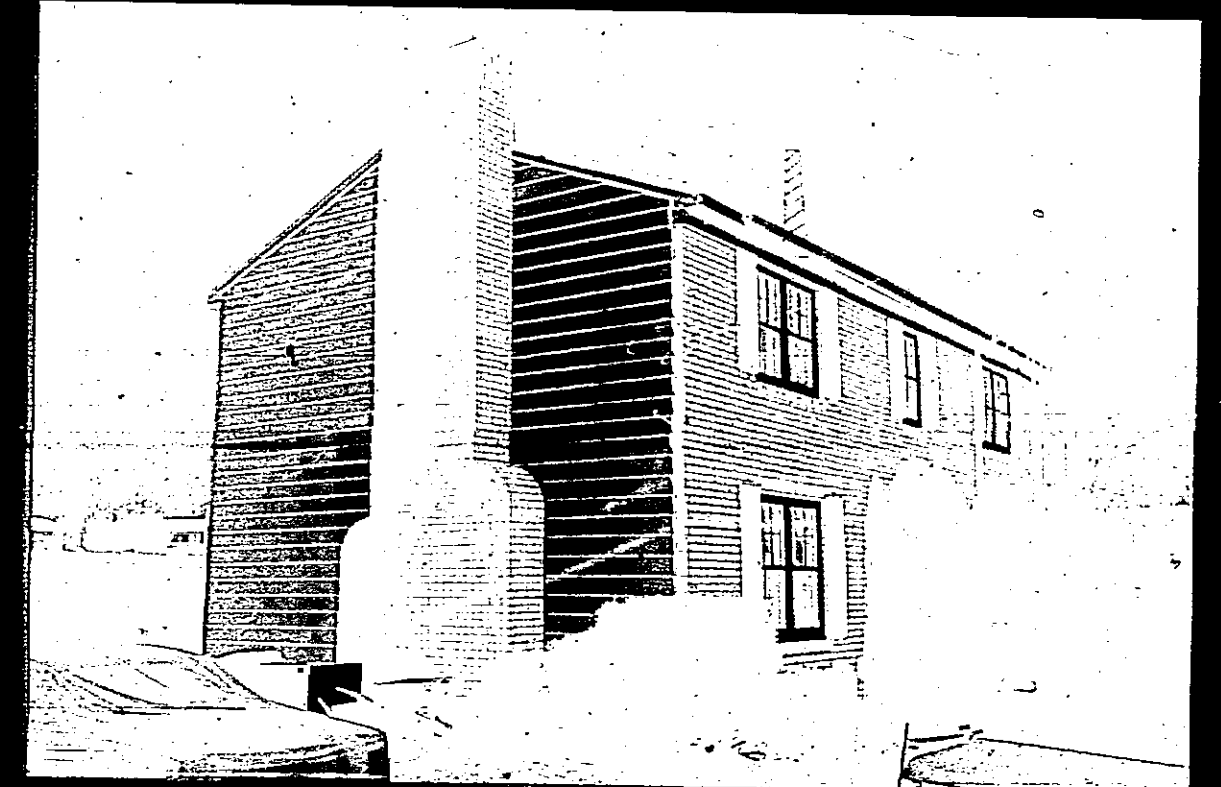
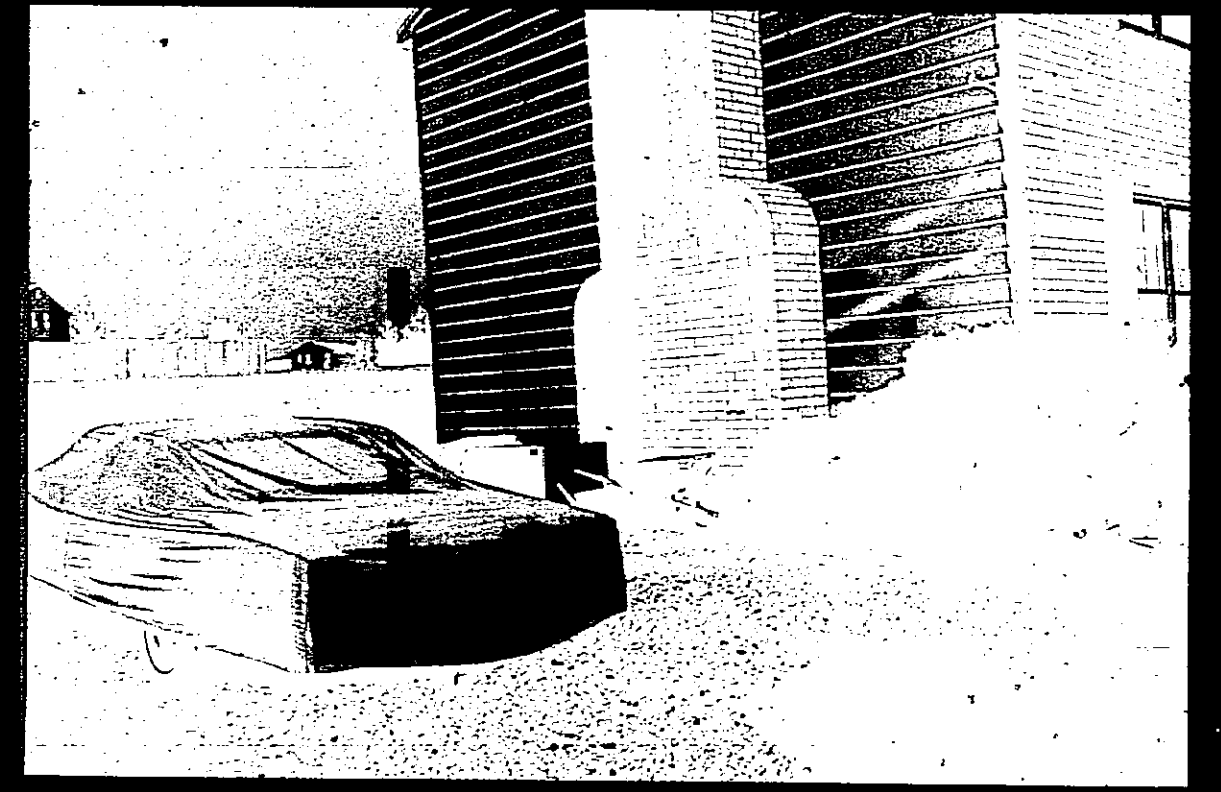
PETITIONER'S EXHIBIT # 9

CASE #: 91-270-A



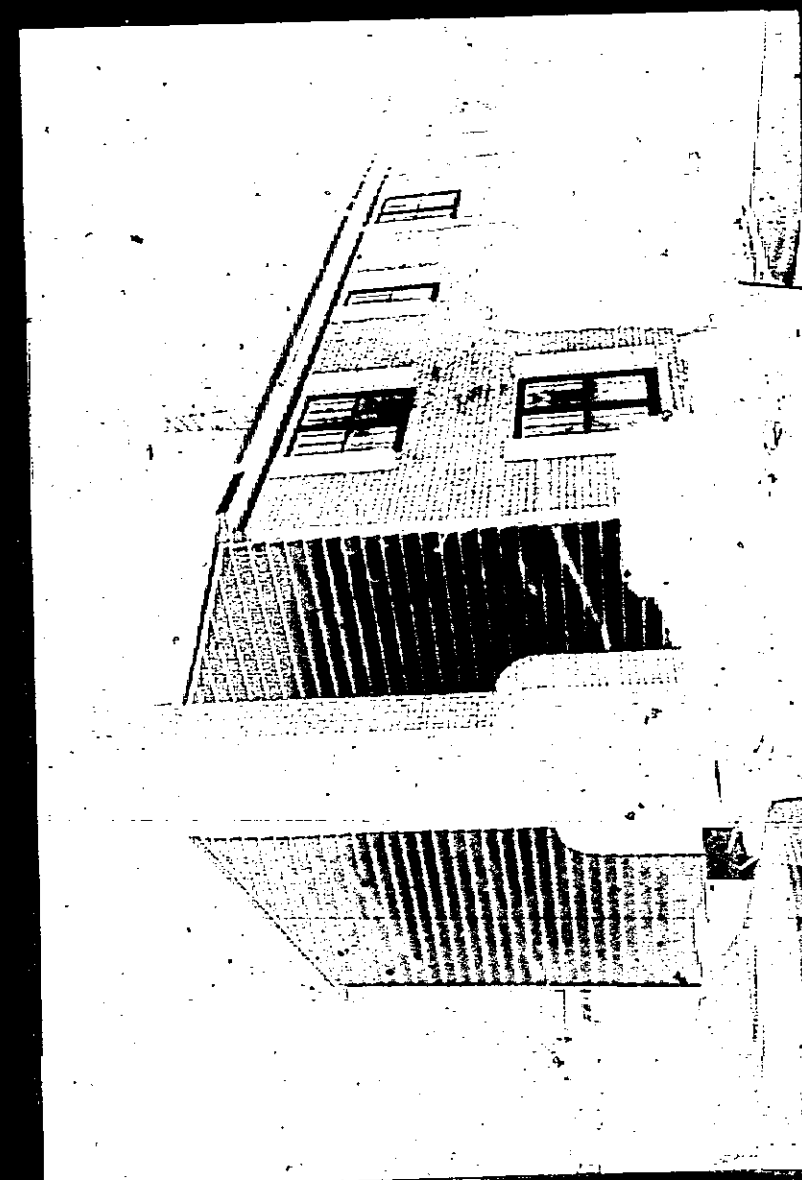
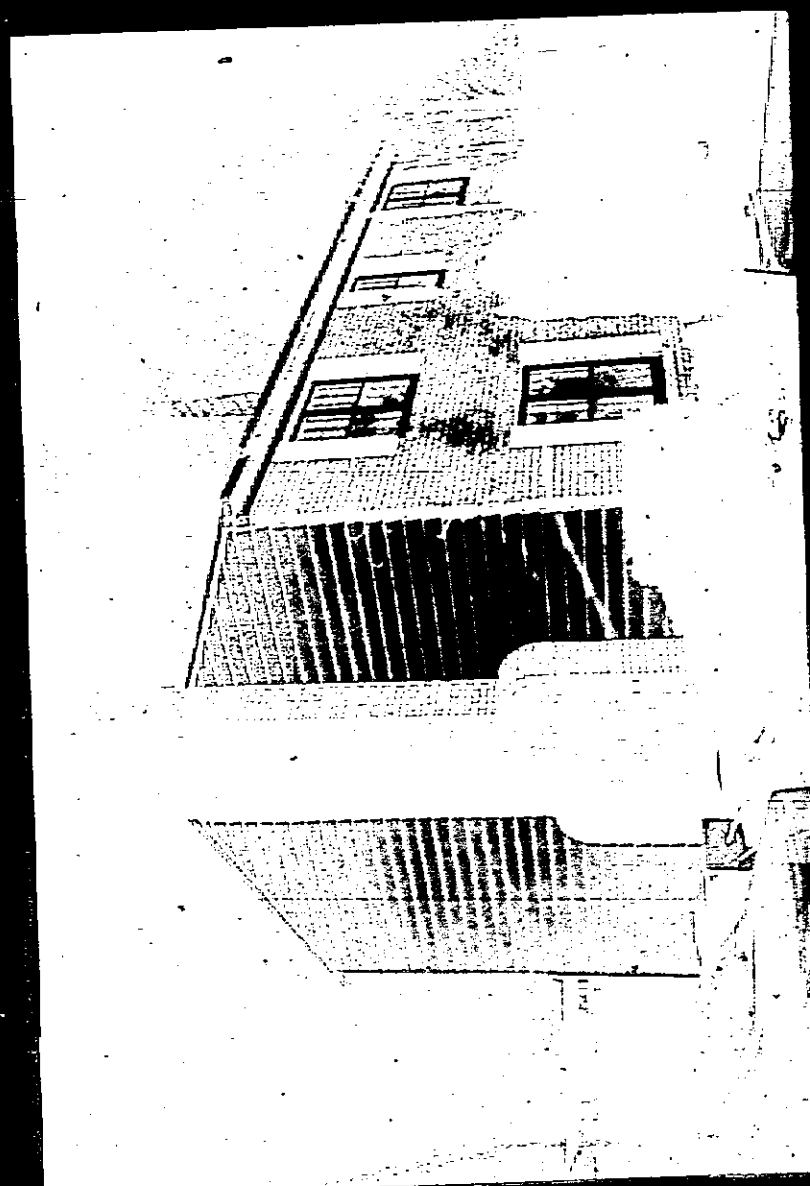
PETITIONER'S EXHIBIT # 10

CASE #: 91-270-A



PETITIONER'S EXHIBIT # 11

CASE #: 91-270-A



PETITIONER'S EXHIBIT # 12



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88
Chairman, County Council

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

271
91-270-A

271

91-270-A

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	N.W. I-F
DATE OF PHOTOGRAPHY JANUARY 1986		